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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 CHALONER SAINTILLUS,
15 Defendant.
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CASE NO. 2:20-CR-00213-KJM

GOVERNMENT'S PARTIAL OPPOSITION TO
DEFENDANT'S MOTION IN LIMINE #1

DATE: January 23, 2023
TIME: 9:00 a.m.
COURT: Hon. Kimberly J. Mueller

17 Chaloner SAINTILLUS has moved to preclude the government from introducing evidence of or
18 referring to the gun and ammunition seized from his residence on October 27, 2020, or to a prior
19 firearm-related arrest.

20 The government does not intend at present to introduce evidence of either incident in its case in
21 chief. To that extent, the government does not oppose SAINTILLUS's motion.

22 However, the government will seek leave to introduce this evidence if SAINTILLUS testifies in
23 his own defense and makes his possession of firearms and ammunition relevant for impeachment
24 purposes, or if he raises a defense that makes them relevant.

25 Further, though the government is not opposing SAINTILLUS's motion, the government does
26 not concede that the gun cannot be used as a sentencing enhancement if SAINTILLUS is convicted.
27 The Sentencing Guidelines, § 2D1.1(b)(1), provide for a two-level enhancement in a drug case where
28 the defendant possessed a firearm, unless the defendant can demonstrate that is "clearly improbable that

1 the weapon was connected with the offense.” Id. comment 11(A). The Guidelines adopted this more
2 inclusive standard because of the “increased danger of violence when drug traffickers possess weapons.”
3 Id. SAINTILLUS argues that the guns were not relevant to the charged offenses – distribution of drugs
4 through the mail – because you can’t shoot someone through the mail. Which is true. But
5 SAINTILLUS did run a drug trafficking operation out of his home and he maintained some drugs and
6 drug proceeds there, in particular, the digital currency wallets that he wore around his neck like jewelry.
7 He no doubt anticipated that someone might attempt to rob him of those items, and kept the firearm and
8 ammunition there to defend his business. For this reason, if SAINTILLUS is convicted, the government
9 will request that the Court apply § 2D1.1(b)(1)’s enhancement when calculating his sentencing
10 guidelines range.

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12 Dated: January 13, 2023

PHILLIP A. TALBERT
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14 By: /s/ SAM STEFANKI
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